

**EXCERPT FROM THE
REPORT OF THE JUDICIAL CONFERENCE
COMMITTEE ON RULES OF PRACTICE AND PROCEDURE**

**TO THE CHIEF JUSTICE OF THE UNITED STATES AND MEMBERS OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES**

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**AMENDMENTS TO THE
FEDERAL RULES OF CIVIL PROCEDURE**

Rules Recommended for Approval and Transmission

The Advisory Committee on Civil Rules submitted proposed amendments to Rules 54, 58, 81, and new Rule 7.1, and proposed amendments to Admiralty Rule C with a recommendation that they be approved and transmitted to the Judicial Conference. The amendments to the Civil Rules were published for comment by the bench and bar in August 2000, and the proposed amendments to Admiralty Rule C were published in January 2001. The scheduled public hearings were canceled because no request to testify was submitted.

Proposed new **Rule 7.1 (Disclosure Statement)** would require a nongovernmental corporate party to disclose any parent corporation and any publicly held corporation that owns 10 percent of its stock, or state that no such corporation exists. The proposed new rule is similar to proposed changes to the Appellate, Bankruptcy, and Criminal Rules.

The proposed amendments to **Rule 54 (Judgments; Costs)** and **Rule 58 (Entry of Judgment)** are intended to address problems caused when a judgment or order is not entered on a separate document, and as a result the time for appeal never begins to run under the Appellate Rules. Under the proposed amendments to Rules 54 and 58, orders disposing of certain post-judgment motions no longer have to be entered on a separate document. In addition, the amended rules, in conjunction with proposed changes to Appellate Rule 4(a)(7), provide that when a separate document is required, judgment is considered entered upon the occurrence of the

earlier of either of two events: when the judgment is entered in the civil docket and set forth on a separate document, or when 150 days have run from entry of the judgment in the civil docket.

Rule 81(a)(2) (Applicability in General) would be amended to delete the specific time deadline for a return of a habeas corpus writ, which is inconsistent with the time limit set out in the Rules Governing Section 2254 Cases or the Rules Governing Section 2255 Proceedings.

Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims (In Rem Actions: Special Provisions) would be amended to conform to the Civil Asset Forfeiture Reform Act of 2000 (Pub. L. 106-185, 106th Congress). The legislation was enacted one week after the Supreme Court had prescribed and transmitted to Congress amendments to Rule C that took effect in December 2000. The legislation contains a deadline of 30 days in which a person may assert an interest or right against the property subject to forfeiture, which is different from the rule's 20-day deadline. The proposed amendment to Rule C increases the relevant time deadline from 20 days to 30 days consistent with the new legislation. It also makes other changes as well to conform to the new legislation.

The Committee concurred with the advisory committee's recommendations. The proposed amendments to the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims are in Appendix C together with an excerpt from the advisory committee report.

Recommendation: That the Judicial Conference approve the proposed amendments to Civil Rules 54, 58, and 81, and a new Rule 7.1, and Rule C of Supplemental Rules for Certain Admiralty and Maritime Claims and transmit these changes to the Supreme Court for its consideration with the recommendation that they be adopted by the Court and transmitted to Congress in accordance with the law.

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